

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *JE* D.C.

05 JUN 27 PM 4:05

ROBERT R. DI LORO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

CONNIE L. FOSTER,

Plaintiff,

vs.

No. 04-2650 MaV

JO ANNE B. BARNHART,

Acting Commissioner of the
Social Security Administration,

Defendant.


ORDER GRANTING AWARD OF ATTORNEY FEES AND EXPENSES

The plaintiff, Connie L. Foster has moved for an award of attorney fees as a prevailing party under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, to cover the cost of pursuing judicial review of a decision by the Commissioner of the Social Security Administration denying her claim for Social Security disability benefits. Foster seeks fees in the amount of \$4938.53. The defendant has not filed a response to the motion, and the time for responding has expired. The motion has been referred to the United States Magistrate Judge for a determination.

It appears to the court that Foster satisfies the criteria for an award of fees under the EAJA, that the hourly rates used to calculate the fees are appropriate under the EAJA, and the expenses incurred were reasonable and necessary. Accordingly, Foster is

awarded fees in the amount of \$4,938.53. The Commissioner is directed to certify the amount for payment.

IT IS SO ORDERED this 27th day of June, 2005.

A handwritten signature in cursive script, reading "Diane K. Vesco", is written over a horizontal line.

DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 25 in case 2:04-CV-02650 was distributed by fax, mail, or direct printing on June 28, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT